

AMENDED IN ASSEMBLY SEPTEMBER 9, 2003

AMENDED IN ASSEMBLY SEPTEMBER 2, 2003

AMENDED IN ASSEMBLY JUNE 23, 2003

AMENDED IN SENATE JUNE 3, 2003

AMENDED IN SENATE MAY 7, 2003

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**SENATE BILL**

**No. 216**

**Introduced by Senator Sher**

February 13, 2003

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An act to amend Sections 2106 , 2109, 2110, and 2111 of, to amend and renumber Section 2116 of, and to repeal Section 2106.5 of, the Fish and Game Code, relating to endangered species, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 216, as amended, Sher. Endangered species: recovery strategy pilot program.

**Existing**

(1) *Existing* law requires the Department of Fish and Game to develop and implement a recovery strategy pilot program for the greater sandhill crane. Existing law authorizes the Fish and Game Commission, based on recommendations from the department, to identify ~~four~~ 4 additional candidate, threatened, or endangered species for which the department is required to develop and implement a recovery strategy. Existing law requires the commission to hold a public hearing to consider approval of each recovery strategy, and to approve a recovery strategy if the commission finds it meets specified criteria. Existing law

repeals the authority for the greater sandhill crane pilot program and the authority for the commission to identify additional species for a recovery program on January 1, 2004, but requires any recovery strategy that has been approved or implemented prior to that date to remain in effect.

This bill would repeal the authority of the commission to identify additional species for a recovery program. The bill would authorize the department to develop and implement a recovery strategy pilot program for coho salmon. The bill would continue the remaining existing law relative to recovery strategy programs beyond January 1, 2004, by extending the repeal date to January 1, 2009. The bill would make conforming changes.

This bill would also require the commission to find that each recovery strategy would recover a formerly commercially valuable species to a level of abundance that would permit commercial use of the species before approving the recovery strategy.

~~This bill would provide that, notwithstanding any provision of law that continuously appropriates moneys to the commission or department, only private and federal moneys may be expended by the department or commission for purposes of recovery strategy programs, and would prohibit the use of state moneys for those purposes.~~

*The bill would require the department to seek private and federal funding for implementation of the coho salmon recovery strategy pilot program, and would prohibit any additional state funds from being used for the program until the Legislature appropriates funds for that purpose.*

*(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department and the commission to pay all necessary expenses incurred in carrying out the Fish and Game Code, and to pay the compensation and expenses of the commissioners and employees of the commission.*

*By extending the recovery program and adding an additional species in the program, the bill would impose additional duties on the department, and thereby making an appropriation.*

Vote: majority. Appropriation: ~~no~~—yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2106 of the Fish and Game Code is amended to read:

2106. (a) The department may ~~also~~ develop and implement a recovery strategy pilot program for coho salmon.

~~(b) Notwithstanding Section 13220 or any other provision of law that continuously appropriates funds to the department or commission, only private or federal moneys may be expended by the department or commission for the purposes of this article. State moneys may not be expended for the purposes of this article.~~

*(b) The department shall seek private and federal funding for implementation of the coho salmon recovery strategy pilot program. No additional state funds may be expended for the implementation of the program until the Legislature specifically appropriates funds for that purpose.*

SEC. 2. Section 2106.5 of the Fish and Game Code is repealed.

SEC. 3. Section 2109 of the Fish and Game Code is amended to read:

2109. A recovery strategy for a species shall contain all of the following information:

(a) An explanation of scientific knowledge and assumptions regarding the biology, habitat requirements, and threats to the existence of the species.

(b) An explanation of interim and long-term recovery goals. The interim goals shall be specifically stated. The long-term goals may be specifically stated if the department determines that adequate information exists to reasonably identify long-term goals; if not, the strategy may contain general long-term goals that will be clarified as the recovery strategy is updated pursuant to subdivision (g).

(c) A range of alternative interim and long-term conservation and management goals and activities. The department shall report why it prefers the activities it recommends.

(d) An estimate of the time and costs required to meet the interim recovery goals for the species, including available or anticipated funding sources, and an initial projection of the time and costs associated with meeting final recovery goals. These costs shall include direct and indirect costs and public and private costs.

(e) A description of actions and recommendations, including voluntary incentives and objective criteria for delisting and deregulation, if applicable, that will be needed to minimize the adverse social and economic impacts of implementation of the recovery strategy and a discussion of the range of recovery alternatives considered in the strategy.

(f) A description of the following elements necessary to achieve the goals of the recovery strategy:

(1) The availability and use of public lands for the conservation, protection, restoration, and enhancement of the species.

(2) Methods of private and public cooperation.

(3) Procedures and programs for notice, education, research, monitoring, and strategy modification.

(g) The expected time necessary to meet the interim recovery goals and provisions and triggers for review and amendment of the strategy. If final recovery goals are not specifically stated, the strategy shall contain a timetable for an update of the plan to clarify the long-term goals.

(h) Objective measurable criteria by which to determine whether the goals and objectives of the recovery strategy are being met and procedures for recognition of successful recovery, including commercial use if appropriate, and downlisting or delisting, if applicable.

(i) An implementation schedule.

SEC. 4. Section 2110 of the Fish and Game Code is amended to read:

2110. If the department determines, based on the best scientific evidence available, that the recovery strategy should also contain specifications regarding allowable taking of the species and guidelines for consultation, the recommended recovery strategy shall also contain general policies to guide the department's issuance of a permit pursuant to Section 2081 . The general policies shall be consistent with the recommended recovery strategy.

SEC. 5. Section 2111 of the Fish and Game Code is amended to read:

2111. After the department submits the recovery strategy to the commission, the commission shall hold a public hearing to consider approval of the recovery strategy. The commission shall

1 approve the recovery strategy if, considering all relevant evidence,  
2 the commission finds that the recovery strategy meets all of the  
3 following criteria:

4 (a) The recovery strategy would conserve, protect, restore, and  
5 enhance the species.

6 (b) The recovery strategy and implementation schedule are  
7 capable of being carried out in a scientifically, technologically, and  
8 economically reasonable manner.

9 (c) The recovery strategy is supported by the best available  
10 scientific data.

11 (d) The recovery strategy represents an equitable  
12 apportionment of both public and private and regulatory and  
13 nonregulatory obligations.

14 (e) The recovery strategy would recover a formerly  
15 commercially valuable species to a level of abundance that would  
16 permit commercial use of that species.

17 SEC. 6. Section 2116 of the Fish and Game Code as added by  
18 Chapter 974 of the Statutes of 1996 is amended and renumbered  
19 to read:

20 2115.5. This article shall remain in effect only until January  
21 1, 2009, and as of that date is repealed, unless a later enacted  
22 statute, which is enacted before January 1, 2009, deletes or extends  
23 that date. However, this section does not apply to a recovery  
24 strategy that is approved or implemented pursuant to this article on  
25 or before January 1, 2009, and those recovery strategies, and any  
26 permits or memoranda of understanding relating thereto, shall  
27 remain effective as if this article had not been repealed.

